

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
1:14-cv-00767

BNT AD AGENCY, LLC,  
Plaintiff,

v.

CITY OF GREENSBORO,  
Defendant.

MOTION TO EXCLUDE EXPERT  
TESTIMONY OF HOWARD  
ROCKNESS

Pursuant to Rule 702 of the Federal Rules of Evidence, Defendant the City of Greensboro ("the City") respectfully moves the Court to enter an order prohibiting Plaintiff BNT Ad Agency, LLC from introducing any testimony or evidence from Howard Rockness. In support of this motion, the City shows the Court the following:

1. This is an action for race discrimination under 42 U.S. § 1981.
2. BNT served the expert report of Howard O. Rockness in support of its claim for damages.
3. Rockness' opinions and testimony were not based on sufficient facts or data.
4. Rockness' opinions and testimony were not based on a reliable methodology.

5. In proffering Rockness as an "expert," BNT has failed to meet its burden under Rule 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

WHEREFORE, for the reasons stated above and explained more fully in the brief served herewith, the City respectfully requests that the Court 1) exclude Rockness' report, deposition testimony, and affidavit from consideration, 2) preclude Rockness from offering any expert testimony or additional evidence at trial, and 3) provide any such further relief that the Court deems appropriate under the circumstances.

This the 1st day of March, 2019.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification to counsel for Plaintiff BNT Ad Agency, LLC:

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This the 1st day of March, 2019.

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